

REMARKS

Claims 1-31 are pending in this application. Claims 1-30 have been rejected under 35 U.S.C. §103(a) in view of the patents to Taylor and Hamada. Claim 31 has been rejected under 35 U.S.C. §102(e) in view of Taylor.

The Rejection of Claims 1-30

Once again, Applicant points out that Taylor neither shows nor suggests the migration of data from one database system to another, where the target system (or second system) is an active database system in which "data in [a] target table" is made "available for execution of database queries against that data." Applicant added the language in quotes in its last amendment to make it clear that two database systems are required.

Applicant has been consistent in its position that Taylor does not show two database systems, but rather shows a database system that backs itself up to a standard tape-backup system. This tape-backup system is not a "database system," as that term is used on Applicant's claims. In particular, in reference to Applicant's claim language, the data stored in the tape-backup system of Taylor is not made "available for execution of database queries." The tape system is meant to serve as a data backup; it is not meant to serve, nor would it ever serve, as an active database system against which database queries are executed.

The Office seems finally to have conceded this point on page 3 of its most recent action, where it states that "Taylor fails to explicitly disclose 'make [sic] data in the target table available for execution of database queries against that data.'" The Office has attempted to overcome this concession, however, by finding a patent (Hamada) that describes a database system in general and asserting, in essence, that it would have been obvious to a person of ordinary skill to replace Taylor's tape-backup system with the database system of Hamada. Applicant finds this position by the Office wholly disingenuous. There is absolutely nothing in either Taylor or in Hamada that would have suggested to a person of ordinary skill in the art that the one database system in Taylor should or even could be combined with another database system, like the one in Hamada.

The only motivation, in fact, for the Office's attempt to combine these two references is an impermissible hindsight reconstruction of Applicant's invention using Applicant's own claims as a guide. The simple matter is that no person of ordinary skill in this technology area, when viewing Taylor and Hamada absent Applicant's disclosure, would have had any motivation whatsoever to attempt to create Applicant's system. The result is that all of Applicant's claims 1-30 are patentable over these references.

The Rejection of Claim 31

The "active" nature of the second database system in Applicant's claim 31 manifests itself in the last element of the claim, *i.e.*, that the second database system "insert[s] rows of the temporary tables, in parallel, into a target table in the second database system." Regardless of whether the Office might be capable, technically, of characterizing Taylor's tape-backup system as a "database system," it is clear that Taylor's tape-backup system could not "insert rows" into a "target table" that resides in the backup system. Because Taylor's tape-backup system is not an active database system, it does not have "insert" capabilities. The result is that claim 31 is patentable over the Taylor reference.

CONCLUSION

All of the claims are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all of the claims. Please charge any fees that might be due, including the fee for any extension of time, but excluding the issue fee, to deposit account 14-0255.

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Respectfully,



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